

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

JEROME L. GRIMES,

Plaintiff,

v.

MARY WONG; UMPQUA BANK,

Defendants.

Civ. No. 6:15-cv-00477-TC

OPINION AND ORDER

MCSHANE, Judge:

Plaintiff, *pro se*, brings this action against Mary Wong and Umpqua Bank seeking damages for alleged fraud, conversion, and wrongful death.¹ Magistrate Judge Thomas M. Coffin issued a Findings and Recommendation (F&R) on June 12, 2015, in which he recommended that this Court dismiss plaintiff's third complaint without leave to amend. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

This Court reviews all portions of the F&R subject to objection *de novo*. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Bus. Machs. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff timely filed an objection.² Upon review, this Court finds no error in Judge Coffin's F&R, ECF No. 15.

¹ This Court construes plaintiff's allegations liberally and affords plaintiff the benefit of any doubt. *Karim-Panahi v. L.A. Police Dep't*, 839 F.2d 621, 623 (9th Cir. 1988) (citations omitted).

² Plaintiff, in a document titled "Objection to Magistrates Findings, Conclusion Recommendations," withdrew his claims against Mary Wong and all claims asserted under 42 U.S.C. § 1983. *See* Pl.'s Objections 1–2, ECF No. 18. Plaintiff also filed a fourth amended complaint, in which he increased sought "damages" from \$11,000 to \$26,000, and "punitive damages" from \$26,000 to \$52,000. *Compare* Pl.'s Third Am. Compl. 3–4, ECF No. 14, *with* Pl.'s Fourth Am. Compl. 3, ECF No. 19. Even had plaintiff been granted leave to file his fourth amended complaint, that complaint does not cure the deficiencies identified in Judge Coffin's initial dismissal order, ECF No. 7.

CONCLUSION

This Court ADOPTS Judge Coffin's F&R, ECF No. 15, in full. Plaintiff's third amended complaint, ECF No. 14, and fourth amended complaint, ECF No. 19, are dismissed without leave to amend for failure to state a claim. This action is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 8 day of July, 2015.



Michael J. McShane
United States District Judge